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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,052	02/21/2002	Nobuhiro Ikeda	1232-4824	5413
27123	7590	12/02/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NGUYEN, DUC MINH	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,052

Applicant(s)

IKEDA, NOBUHIRO

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 7-9, 11-12, 16, 19, 22, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Barshefsky et al (6,385,609).

Consider claims 1, 7, 16. Barshefsky teaches a system for managing the operation status of equipment (switches 112, 122, or 132), comprising a management apparatus (local spooling 118) for notifying a center (150 and 160) about the operation status of equipment (col. 2, ln. 6-25; col. 4, ln. 20 to col. 5, ln. 21); wherein the management apparatus comprising storage means (co. 4, ln. 51 to col. 5, ln. 3) for storing ID number (col. 10, ln. 14-35) which correspond to operation statuses of equipment (SESS switching system; col. 5, ln. 4-21; col. 9, ln. 37-67), and transmission means (fig. 1; col. 4, ln. 51 to col. 5, ln. 57) for transmitting to a communications apparatus (140) an ID number according to the operation status of equipment.

Consider claim 4. Barshefsky further teaches the transmission means makes the transmission each time the operation status of the equipment changes (col. 5, ln. 40-67).

Consider claims 8-9, 11. (Barshefsky's col. 14, ln. 13-38) reads on the limitations of claims 8-9, 11.

Consider claim 12. Barshefsky's fig. 1 reads on the limitations of claims 12.

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Consider claims 19, 22. Barshefsky teaches a system for managing the operation status of equipment, comprising a management apparatus for notifying a center (150 and 160) about the operation status of equipment (local spooling 118 and central storage and analysis 142; col. 2, ln. 6-25; col. 4, ln. 20 to col. 5, ln. 21); wherein the management apparatus comprising storage means (co. 4, ln. 51 to col. 5, ln. 3) for storing ID number (col. 10, ln. 14-35) which correspond to operation statuses of equipment (5ESS switching system; col. 5, ln. 4-21; col. 9, ln. 37-67), and transmission means (fig. 1; col. 4, ln. 51 to col. 5, ln. 57) for transmitting to a communications apparatus an ID number according to the operation status of equipment. Barshefsky further teaches display means (col. 14, ln. 13-38).

Consider claim 25. (Barshefsky's fig. 3, col. 3, ln. 59-64; col. 14, ln. 13-38) reads on the limitations of claim 25.

3. Claims 17 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Roman et al (6,621,413).

Consider claim 17. Roman teaches an apparatus for managing the operation status of equipment (mobile magnet system), comprising storage means for storing ID (sensor data or mobile magnet data; col. 3, ln. 34-41) information which corresponds to operation statuses of equipment (col. 3, ln. 34-41), and calling means (30) for calling a communications apparatus (14) using ID information according to the operation status of equipment (abstract; fig. 1; col. 1, ln. 60 to col. 2, ln. 35; col. 2, ln. 60 to col. 4, ln. 36).

Consider claim 23. Roman teaches an apparatus for managing the operation status of equipment (mobile magnet system), comprising storage means for storing ID (sensor data or

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mobile magnet data; col. 3, ln. 34-41) information which corresponds to operation statuses of equipment (col. 3, ln. 34-41), and calling means (30) for calling a communications apparatus (14) using ID information according to the operation status of equipment (abstract; fig. 1; col. 1, ln. 60 to col. 2, ln. 35; col. 2, ln. 60 to col. 4, ln. 36).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barshefsky et al (6,385,609) in view of Rickli et al (5,481,588).

Consider claim 2. Barshefsky does not clearly teach the transmission means transmits the ID number by radio.

Rickli teaches that the transmission means transmits the ID number by radio (col. 5, ln. 39 to col. 6, ln. 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Rickli into the teachings of Barshefsky in order to acquire statistically relevant data at reasonable cost on the quality of service in a particular coverage area of a mobile radio installation.

Consider claim 10. (Rickli's col. 5, ln. 44-55) reads on the limitations of claim 10. Also, (Barshefsky's col. 9, ln. 44-54) reads on the limitations of claim 10.

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Consider claim 13. Rickli further teaches that the operation statuses are gathered and transmitted by radio (col. 5, ln. 39 to col. 6, ln. 55).

6. Claims 3, 14, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barshefsky et al (6,385,609) in view of Roman et al (6,621,413).

Consider claims 3, 14. Barshefsky teaches a system for managing the operation status of equipment, comprising a management apparatus for notifying a center (150 and 160) about the operation status of equipment (local spooling 118 and central storage and analysis 142; col. 2, ln. 6-25; col. 4, ln. 20 to col. 5, ln. 21); wherein the management apparatus comprising storage means (co. 4, ln. 51 to col. 5, ln. 3) for storing ID number (col. 10, ln. 14-35) which correspond to operation statuses of equipment (5ESS switching system; col. 5, ln. 4-21; col. 9, ln. 37-67), and transmission means (fig. 1; col. 4, ln. 51 to col. 5, ln. 57) for transmitting to a communications apparatus an ID number according to the operation status of equipment.

Barshefsky does not clearly teach calling means for calling a communications apparatus using ID information according to the operation status of equipment.

Roman teaches an apparatus for managing the operation status of equipment (mobile magnet system), comprising storage means for storing ID (sensor data or mobile magnet data; col. 3, ln. 34-41) information which corresponds to operation statuses of equipment (col. 3, ln. 34-41), and calling means (30) for calling a communications apparatus (14) using ID information according to the operation status of equipment (abstract; fig. 1; col. 1, ln. 60 to col. 2, ln. 35; col. 2, ln. 60 to col. 4, ln. 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Roman into the teachings of Barshefsky in order to provide a centralized monitoring system of a plurality of mobile equipment to improve the timeliness and cost effectiveness of mobile equipment service.

Consider claims 20-21. Roman further teaches an apparatus for managing the operation status of equipment (mobile magnet system), comprising storage means for storing ID (sensor data or mobile magnet data; col. 3, ln. 34-41) information which corresponds to operation statuses of equipment (col. 3, ln. 34-41), and calling means (30) for calling a communications apparatus (14) using ID information according to the operation status of equipment (abstract; fig. 1; col. 1, ln. 60 to col. 2, ln. 35; col. 2, ln. 60 to col. 4, ln. 36).

7. Claims 5-6, 15, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barshefsky et al (6,385,609) in view of Tillmann (EP 0,891,109A2).

Consider claims 5-6, 15, 18 and 24. Barshefsky teaches a system for managing the operation status of equipment (switches 112, 122, or 132), comprising a management apparatus (local spooling 118) for notifying a center (150 and 160) about the operation status of equipment (col. 2, ln. 6-25; col. 4, ln. 20 to col. 5, ln. 21); wherein the management apparatus comprising storage means (co. 4, ln. 51 to col. 5, ln. 3) for storing ID number (col. 10, ln. 14-35) which correspond to operation statuses of equipment (SESS switching system; col. 5, ln. 4-21; col. 9, ln. 37-67), and transmission means (fig. 1; col. 4, ln. 51 to col. 5, ln. 57) for transmitting to a communications apparatus (140) an ID number according to the operation status of equipment.

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Barshefsky does not clearly teach registration means and notification means as described in claims 5-6, 15, 18 and 24.

Tillmann teaches registration means and notification means as described in claims 5-6, 15, 18 and 24 (e.g., Waiting data (MWD) characterize service centres which have been unsuccessful in message presentation. Control flags (MNRF, MCEF) which characterize the origins of unsuccessful presentations, are entered into the HLR. When a renewed possibility of presentation to a mobile is recognized, the characterized service centres are alerted one by one at intervals determined by a delay timer).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tillmann into the teachings of Barshefsky in order to prevent parallel signaling of flood of short messages in a short time interval.

### *Conclusion*


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

9/29/04